APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,143	03/11/2004	Han Chen	RM-07-01AE	6054

30349 7590 11/28/2008	EXAMINER
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ART UNIT	PAPER NUMBER
3686	

NOTIFICATION DATE	DELIVERY MODE
11/28/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 July 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-44* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to Amendment and response filed 16 July

2008. Claims 15, 25, 26, and 28 are amended and claims 15-44 are pending.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.   Claims 15-44 are rejected under 35 USC 101 for failing to qualify as a patent

eligible process under 35 USC 101. In order to qualify as a patent eligible process

under 35 USC 101, the process must be tied to another statutory class (such as a

particular apparatus) or transform underlying subject matter to a different state or thing.

Claims 15 and 41 are directed towards a method of analyzing exposure. The claims are

not tied to any particular apparatus for which to analyze exposure, thus recites purely

mental steps. The method further does not identify any material that is being changed

to a different state. Therefore, the claims are not directed toward a patent eligible

process under 35 USC 101.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim15-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over von

Kaenel (7,107,285) in view of Colica (2002/0188556).

6.   As per claim 15, von Kaenel teaches an exposure analyzing method, comprising:

defining a plurality of parameters (von Kaenel; Col. 16, lines 43-59; col. 17, line 39 to

Col. 18, line 2); Examiner defines "parameter" as a set of measurable factors.

Examiner submits that "household locations" reads upon a parameter.

determining a concentration of exposure to determine exposure for an exposure

location based at least in part on the defined one or more of the plurality of parameters

(Von Kaenel; col. 16, lines 43-59);and

generating an output associated with the determined concentration of exposure (von

Kaenel; Col. 17, line 58 to Col. 18, line 2);

        Von kaenel does not expressly teach:

using a financial perspective and wherein the financial perspective includes

apportionment of liability of a total loss associated with the exposure location into a

plurality of segments. However, this is well known in the art as evidenced by Colica and Von Kaenel. Von Kaenel teaches an enterprise spatial system that processes geospatial information (reads on "apportionment...associated with a location into a plurality of segments.") Colica teaches monitoring and analyzing exposure data (Colica; para. 6). Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

7. As per claim 16, Von Kaenel teaches defining parameters includes the step of defining a region of interest (Von Kaenel; Col. 17, lines 38-67).

8. As per claim 17, Colica teaches financial perspective defines net exposure for an exposure location (Colica; paras. 151-152).

9. As per claim 18, Colica does not expressly teach wherein the step for determining the concentration of exposure by exhaustive search approach. However this is an obvious variant of the Colica teachings. In particular, Colica teaches a wide variety of types of analysis may be performed on data collected (Colica; Pg. 8, para. 108). One of ordinary skill in the art would recognize the "exhaustive search approach" to be a type of analysis performed on the data. One of ordinary skill in the art would

modify the Colica teachings with the motivation of efficiently, accurately and effectively track exposures of a business (Colica; Pg. 1, para. 3).

10. As per claim 19, von Kaenel teaches wherein the exhaustive search approach comprises the step of defining a boundary for an area of analysis (Von Kaenel; Col. 16, lines 43-59, Col. 17, lines 38-67).

11. As per claims 20 and 21, von Kaenel teaches wherein the exhaustive search approach comprises the step of creating a grid and wherein the grid may be created by defining grid cell dimensions (Von Kaenel; Col. 16, lines 43-59, Col. 17, lines 38-67).

12. As per claim 22, von Kaenel teaches wherein the exhaustive search approach comprises a step of defining a boundary for an area of analysis (Von Kaenel; Col. 16, lines 43-59, Col. 17, lines 38-67).

13. As per claim 23, von Kaenel teaches wherein the boundary is a circle (Von Kaenel; Col. 16, lines 43-59, Col. 17, lines 38-67).

14. As per claim 24, von Kaenel teaches wherein the step for determining a concentration of exposure comprises a step for determining exposure for an area of

analysis based on the sum of exposures of exposure locations located within an area of analysis (Von Kaenel; Col. 16, lines 43-59, Col. 17, lines 38-67).

15.   As per claim 25 von Kaenel teaches wherein the step of defining the plurality of parameters comprises of a step for defining a results parameter (Von Kaenel; Col. 16, lines 43-59, Col. 17, lines 38-67).

16.   As per claim 26, von Kaenel teaches wherein results parameter defines a format for an output, the format is at least one of text, graphical or mapped format (Von Kaenel; Col. 16, lines 43-59, Col. 17, lines 38-67).

17.   As per claim 27, Colica teaches further comprising a step for capturing data relating to at least one of policies, accounts, location, treaty, exposure, and financial perspective (Colica; paras. 151-152)

18.   As per claim 28, Colica teaches wherein the step of determining concentration of exposure is by an analytical approach (Colica; para. 155).

19.   As per claim 29, Colica does not expressly teach wherein the analytical approach includes use of equations:

$(Fy(Xi+Dx,Yj +Dy)-Fy(Xi+Dx,Yj-Dy))- (Fy(Xi-Dx,Yj +Dy)-Fy(Xi-Dx,Yj- Dy)) = 0$

$(Fx(Xi+Dx,Yj +Dy)-Fx(Xi-Dx,Yj +Dy))- (Fx(Xi+Dx,Yj-Dy)-Fx(Xi-Dx,Yj- Dy)) = O.$

However, this is a variation of the Colica teachings. In particular, Colica does teach one or more analytic models or engines to generate desired data (Colica; para. 155). One of ordinary skill in the art would recognize using certain equations, such as the above expression, in order to analyze the desired data. One of ordinary skill in the art would modify the Colica teachings with the motivation of efficiently, accurately and effectively track exposures of a business (Colica; Pg. 1, para. 3).

20.   As per claim 30, von Kaenel teaches determining concentration of exposure further comprises the step of comparing the exposures of two or more of area of analysis and determining the area of analysis having the highest exposure (von Kaenel; Col. 16, lines 43-59, Col. 17, lines 38-67)

21.   As per claim 31, Colica teaches wherein the total loss may include one or more of a ground up loss, a client loss, a gross loss, a net loss, or a reinsurance net loss (Colica; paras. 152, 153).

22.   As per claim 32, Colica teaches wherein the total loss includes a ground up loss comprising a total financial exposure when the exposure location is determined to be a complete loss (Colica; paras. 152, 153).

23.   As per claim 33, Colica teaches wherein the total loss includes a client loss

comprising a loss to an insurer below a deductible associated with the liability (Colica;

paras. 152, 153).

24.   As per claim 34, Colica teaches wherein the total loss includes a net loss

comprising a loss to an insurer adjusted by one or more associated limits or deductibles

(Colica; paras. 152, 153).

25.   As per claim 35, Colica teaches wherein one or more associated limits includes

one or more re-insurer's share associated with the liability (Colica; paras. 152, 153).

26.   As per claim 36, Colica teaches wherein the reinsurance net loss includes a

portion of the total loss associated with a reinsurer's portion of the liability (Colica;

paras. 152, 153).

27.   As per claim 37, Colica teaches wherein the apportionment of liability for each of

the plurality of segments are associated with a respective predetermined weighting

(Colica; paras. 152, 153).

28. As per claim 38, Colica teaches wherein the respective predetermined weighting for each of the plurality of segments are scaled based on an actual liability level associated with each segment (Colica; paras. 152, 153).

29. As per claim 39, Colica teaches wherein the output generated includes a visual indicator associated with each of the plurality of segments (Colica; paras. 152-154).

30. As per claim 40, Colica teaches wherein the visual indicator includes one or more of a color, an two-dimensional indicator, or a three-dimensional indicator (Colica; paras. 152-154).

31. Claims 41-44 repeat limitations of claims 15-30 and the reasons for rejection are incorporated herein.

Response to Arguments

32. Applicant's arguments filed 16 July 2008 have been fully considered but they are not persuasive. Applicant argues in essence that the Colica and Von Kaenel references do not render Applicant's claims obvious. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Furthermore Examiner submits that the Von Kaenel and Colica references show that the features of Applicants' claims were

old and well known in the art and the combination of the references would have been

predictable.

Conclusion

33.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

34.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHELLE LE whose telephone number is (571) 272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gerald O'Connor can be reached on (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/M. L./
Examiner, Art Unit 3686
11/1/08

/Gerald J. O'Connor/
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